

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

VICKI MAUL,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1332(a)**

(Clerk's Action Required)

TO: THE CLERK OF THE COURT

AND TO: PLAINTIFFS AND COUNSEL FOR PLAINTIFFS

PLEASE TAKE NOTICE that Defendant State Farm Mutual Automobile Insurance Company ("State Farm") hereby gives notice of the removal of the above-captioned action, filed in King County Superior Court, to the United States District Court for the Western District of Washington at Seattle on the grounds set forth below:

1. This is a civil action arising out of an insurance dispute, with claims for money damages under the insurance policy and money damages, statutory damages, and exemplary damages under the Washington Consumer Protection Act and Insurance Fair Conduct Act.

2. On September 23, 2014, State Farm was served with a copy of the Summons and Complaint by way of service on the Insurance Commissioner of the State of Washington.

1 3. According to the underlying Complaint, relevant acts occurred within King
2 County, Washington, and King County Superior Court has jurisdiction over Plaintiff's claims.

3 4. This Notice is being filed within thirty days of delivery of the Summons and
4 Complaint on Defendant.

5 5. Defendant State Farm is and was at all relevant times an Illinois corporation
6 conducting business in the Washington. Defendant State Farm's principal place of business is
7 and was at all relevant times Illinois. Upon information and belief, Plaintiff is a citizen of the
8 State of Washington.

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10 6. This action is a civil action of which this Court has original jurisdiction under 28
11 U.S.C. §1332, and is one which may be removed to this Court by Defendant pursuant to the
12 provisions of 28 U.S.C. §1441(b) because it is a civil action between citizens of different states
13 and the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

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15 7. Intradistrict Assignment. Removal is proper to the United States District Court
16 for the Western District of Washington at Seattle because that district and division embrace King
17 County.

18 8. Removal is permitted under 28 U.S.C. §1446(b)(3), which provides that:

19 Except as provided in subsection (c), if the case stated by the initial pleading is
20 not removable, a notice of removal may be filed within 30 days after receipt by
21 the defendant, through service or otherwise, of a copy of an amended pleading,
22 motion, order or other paper from which it may first be ascertained that the case is
one which is or has become removable.

23 Defendant has a good faith belief that the amount in controversy exceeds \$75,000. At
24 issue in this litigation is Plaintiff's alleged entitlement to UIM benefits under a State Farm
25 Mutual Automobile Insurance Company policy. State Farm issued an automobile liability policy
26 to Plaintiff which was operative on the day of the subject accident. Plaintiff submitted a claim
27 for UIM benefits and sought recovery of her UIM policy limits of \$100,000. In addition,

1 Plaintiff has asserted extra-contractual claims and seeks damages for those claims, including
2 treble damages and attorneys' fees under IFCA, which may be considered in determining the
3 amount in controversy. In ordinary diversity cases, "where an underlying statute authorizes an
4 award of attorneys' fees, either with mandatory or discretionary language, such fees may be
5 included in the amount in controversy."¹
6

7 Given this information and Plaintiff's allegations, Defendant has a good faith belief that
8 the amount in controversy exceeds \$75,000.

9 9. True and correct copies of all the records and proceedings filed in King County
10 Superior Court, Case No. 14-2-26017-2 are attached as follows:

11 EXHIBIT A: Complaint

12 EXHIBIT B: Set Case Schedule

13 EXHIBIT C: Case Information Cover Sheet

14 EXHIBIT D: Summons

15 EXHIBIT E: Notice of Appearance

16 EXHIBIT F: Notice of Unavailability

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18 WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company gives
19 notice that the court action served on it venued in King County Superior Court has been removed
20 from that court to the United States District Court for the Western District of Washington at
21 Seattle.
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¹ *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998).

1 DATED this 21st day of October, 2014.

2
3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

4 /s/ Gregory S. Worden

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Attorneys for Defendant State Farm

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record and provided service via electronic mail to:

Jaime Michael Olander
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/s/ Marlisa Lochrie
Marlisa Lochrie